IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.722 OF 2006
IN
SUIT NO.832 OF 1999

Dnyaneshwar Laxman Bodke & Anr. ....Plaintiffs
V/s.
Mrs.Rajul Sharad Shah & Ors. ....Defendants

Mr.M.N. Morje with Vidyabhushan Mallick for the Plaintiffs.
Mr.K.M.Savla i/by. M.P.Jagani for defendant nos. 3 to 7.
Mr. Milind More, AGP for defendant no.10.

CORAM : S.J. VAZIFDAR, J.
DATED : 29TH NOVEMBER, 2006.

P.C. :

1. As I intend dismissing the Notice of Motion in any event the affidavit in reply is not taken on record.

2. The main grievances in this Notice of Motion are that the R.A.E. suits filed by the Defendants in the Small Causes Court should be transferred to this Court. The Plaintiff has further sought an order restraining the Defendants from prosecuting the said suits.

3. No ground for the same is made out. Mere

filing of the proceedings does not constitute "pressure" entitling the Plaintiff to an anti suit injunction. Mr.Morje states that the parties have actually settled all their disputes and differences whereby the defendants have agreed to withdraw the proceedings filed in the Small Causes Court. The plaintiffs are at liberty to adopt appropriate proceedings if that be so, before the Small Causes Court.

4. However, the suit is expedited.

5. The Notice of Motion is accordingly disposed of.